



City Council Agenda

Council President
Henry Perea

Councilmembers

Tom Boyajian
Brian Calhoun
Brad Castillo

Jerry Duncan
Sal Quintero
Daniel Ronquillo, Acting President

Interim City Manager
Andrew T. Souza

City Clerk
Rebecca E. Klisch

City Attorney
Hilda Cantú Montoy

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 498-1321

The City Council welcomes you to this meeting.

TUESDAY, FEBRUARY 27, 2001

IF YOU WOULD LIKE TO SPEAK, FILL OUT A SPEAKER REQUEST FORM AVAILABLE FROM THE CITY CLERK'S OFFICE AND IN THE COUNCIL CHAMBERS. THE AGENDA IS AVAILABLE ON (www.ci.fresno.ca.us). THE COUNCIL MEETING CAN ALSO BE HEARD LIVE AT THE SAME WEB SITE ADDRESS.

8:15 A.M.

JOINT MEETING WITH THE REDEVELOPMENT AGENCY

Approve Agency minutes of February 13, 2001

Action Taken:

AGENCY CONSENT CALENDAR

- A. Approve Purchase Agreement for property within Roeding Industrial Park for water well purposes
Action Taken:
- B. Consider approving Amendment No. 1 to the Lease Agreement (with right to acquire) and Memorandum of Lease for the Kearney Palms Police Station, and ratify the lease term commencement
Action Taken:
- C. Approve extension of employment agreement to 4/18/2002 with Daniel Fitzpatrick as Executive Director of the Redevelopment Agency and approve a 3% salary increase
Action Taken:

8:15 A.M.

JOINT MEETING WITH THE REDEVELOPMENT AGENCY CONTINUED

AGENCY GENERAL ADMINISTRATION

- D. HEARING** regarding proposed Owner Participation Agreement (OPA) and Disposition and Development Agreement (DDA) between. RDA and Lonzell and LaVera Williams, property located at northeasterly corner of Fresno and “A” Streets
(Council and Agency action) (Request to continue to 3/27/2001 @ 8:30 a.m.)
Action Taken:
- E. RESOLUTION** - Approving a replacement Housing Plan relating to the Regional Medical Center Phase II Project in the Jefferson Redevelopment Project Area and the proposed Lavera’s Infant Nursery and Day Care School Project in the southwest Fresno GNRA Redevelopment Project Area
Action Taken:
- F.** Authorize the Agency Director/Designee to: (1) negotiate and enter Real Property Purchase Agreements for 40 properties within Phase II of the Community Medical Center Expansion; and (2) convey the purchased properties to Community Medical Center on terms provided in the Disposition and Development Agreement (DDA)
Action Taken:

ADJOURN AGENCY

9:00 A.M. COUNCIL ROLL CALL

Invocation by Father Patrick McCormick of St. Mary’s Catholic Church

Pledge of Allegiance to the Flag

Presentation of the Latent Print Pins by Police Chief Winchester

Proclamation of “STEVEN’S BICYCLES DAY” - Councilmember Boyajian

Proclamation of “YOUTH APPRECIATION WEEK”

Proclamation of “TREE FRESNO DAY” - Councilmember Calhoun

Presentation by Mark Scozzari, representing Ralph’s Grocery Company, to Police Chief Winchester, donations for Fresno Police and Neighborhood Watch Association and Crime Stoppers - Councilmember Quintero

Resolution supporting the Fresno Metropolitan Flood Control District’s development of a recreational facility located on the south side of Huntington Avenue, for the physically challenged - Mayor’s Office

Resolution to the President of the United States and the Office of Management and Budget (OMB) in support of the Downtown Federal Courthouse Project in Fresno - Mayor Autry, Council President Perea and Councilmember Calhoun

COUNCIL ACTION ON UNSCHEDULED ITEMS, IF ANY, SHALL BE LIMITED TO REFERRING THE ITEM TO STAFF FOR A REPORT AND POSSIBLE SCHEDULING ON A FUTURE COUNCIL AGENDA. FOR EACH MATTER CONSIDERED BY THE COUNCIL, THERE WILL FIRST BE A STAFF PRESENTATION, FOLLOWED BY A PRESENTATION FROM THE PROJECT APPLICANT. TESTIMONY FROM THOSE IN ATTENDANCE WILL THEN BE TAKEN. ALL TESTIMONY GIVEN WILL BE LIMITED TO THREE MINUTES PER PERSON.

THE THREE LIGHTS ON THE PODIUM NEXT TO THE MICROPHONE WILL INDICATE THE AMOUNT OF TIME REMAINING FOR THE SPEAKER. THE GREEN LIGHT WILL BE TURNED ON WHEN THE SPEAKER BEGINS. THE YELLOW LIGHT WILL COME ON WITH ONE MINUTE REMAINING AND ONE TONE WILL SOUND. THE SPEAKER SHOULD BE COMPLETING THE TESTIMONY BY THE TIME THE RED LIGHT COMES ON AND TWO TONES SOUND, INDICATING THAT TIME HAS EXPIRED.

Approve Council minutes of February 13, 2001

Action Taken:

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS
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10:00 AM#1 HEARING to consider Rezoning Application No. R-00-39 and environmental findings, filed by CAP Investors, for 33.43 acres of property located at 3733 W. Shaw Avenue

Action Taken:

- a. Consider and adopt the Categorical Exemption for Environmental Assessment No. R-00-39

Action Taken:

- b. **BILL** - Amending the Official Zone Map to rezone from the C-3/BA-20/CZ zone district to the C-3/BA-20/CZ zone district

Action Taken:

10:00 AM#2 CONTINUED HEARING to consider Plan Amendment Application No. A-00-15, Rezoning Application No. R-00-33, and environmental findings, filed by Ralph Lovelace, for 2.3 acres, located on the northwest corner of South West Avenue and W. Kearney Boulevard - Development

Action Taken:

- a. Consider and adopt the Negative Declaration for Environmental Assessment No. A-00-15, R-00-33 dated November 2, 2000

Action Taken:

- b. **RESOLUTION** - Amending the Edison Community Plan

Action Taken:

- c. **BILL** - Amending the Fresno-Chandler Downtown Airport Master and Environs Specific Plan to change the planned land use designation of property located therein from the low density residential to the medium low density residential land use designation

Action Taken:

- d. **BILL** - Amending the Official Zone Map to rezone property from the R-2-A zone district to the R-1-C/CZ zone district

Action Taken:

****ITEMS SUBJECT TO MAYOR'S VETO OR RECONSIDERATION***

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

10:15 A.M. HEARING to consider Rezoning Application No. R-00-49 and environmental findings, filed by Francisco A. Mayo, for 0.1 acres of property located on the northside of E. Clay Avenue between N. Blackstone Avenue and N. Fresno Street

Action Taken:

- a. Consider and adopt Environmental Assessment No. R-00-49, Categorical Exemption, dated January 10, 2001

Action Taken:

- b. **BILL** - Amending the Official Zone Map to rezone property from R-2 zone district to the C-6 zone district

Action Taken:

10:30 A.M. HEARING to consider Rezoning Application No. R-00-29 and environmental findings, filed by Sam Lucido, for 1.5 acres of property located on the west side of N. Whitney between E. Norwich and E. Indianapolis Avenues

Action Taken:

1. Consider and adopt Mitigated Negative Declaration for Environmental Assessment No. T-4971, R-00-29, dated November 16, 2000

Action Taken:

2. **BILL** - Amending the Official Zone Map to rezone property from the R-A zone district to the R-1 zone district

Action Taken:

10:45 A.M. HEARING to consider Rezoning Application No. R-00-46 and environmental findings, filed by National Farm Workers Service Center, Inc., for 12.8 acres of property located on the northeast corner of N. Cornelia and W. Dakota Avenues

Action Taken:

1. Consider and adopt Mitigated Negative Declaration for Environmental Assessment No. T-4983, R-00-46, dated January 17, 2001

Action Taken:

2. **BILL** - Amending the Official Zone Map to rezone property from the AE-5/UGM zone district to the R-1/UGM zone district

Action Taken:

11:00 A.M. HEARING to consider Conditional Use Permit Application No. C-00-234 and environmental findings, filed by Fresno Community Hospital and Medical Center, for property located at the northeast corner of E. Divisadero and N. Clark Streets

Action Taken:

1. Consider and adopt the Negative Declaration for Environmental Assessment No. C-00-234, dated January 9, 2001

Action Taken:

2. **RESOLUTION** - Approving Conditional Use Permit Application No. C-00-234

Action Taken:

****ITEMS SUBJECT TO MAYOR'S VETO OR RECONSIDERATION***

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

11:15 A.M. CONTINUED HEARING to consider Rezoning Application No. R-00-036 and environmental findings, filed by Colburn Thomason, for 19.4 acres of property located at the east side of N. Van Ness Blvd. between W. Alluvial and the San Joaquin River Bluffs

Action Taken:

- a. Consider and adopt the Negative Declaration for Environmental Assessment No. T-4959, R-00-36, C-00-218

Action Taken:

- b. **BILL** - Amending the Official Zone Map to rezone from R-1-EH/BP/UGM zone district to the R-1-A/BP/UGM and R-1-A/UGM zone districts

Action Taken:

2:00 P.M.

CLOSED SESSION

A. CONFERENCE WITH LABOR NEGOTIATOR - Government Code Section 54957.6

City Negotiator(s): Jorge Aguiniga, Andrew T. Souza and Matthew Gargiulo

Employee Organization(s):

1. City of Fresno Management Employees Association (CFMEA)
2. City of Fresno Professional Employees Association (CFPEA)
3. Fresno Police Officers Association - Police Management (FPOA)
4. International Brotherhood of Electrical Workers, Local 100 (IBEW)
5. Stationary Engineers, Local 39 (Local 39)

Action Taken:

B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Govt. Code Section 54956.9, Subdivision (a)

1. **Case Name:** Tossie Bennett v. City of Fresno, et al.
2. **Case Name:** Three (3) Claims of Barbara Hunt against the City of Fresno

Action Taken:

C. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Government Code Section 54956.9, Subdivision (b)

Significant Exposure to Litigation:

1. **Case Name:** Claim of Elwood Kreutzer
2. **Case Name:** Velluntini Corporation, dba Velcor v. City of Fresno, et al

Action Taken:

****ITEMS SUBJECT TO MAYOR'S VETO OR RECONSIDERATION***

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

2:00 P.M.

CLOSED SESSION CONTINUED

D. CONFERENCE WITH LEGAL COUNSEL - FRIEND-OF-THE-COURT-PARTICIPATION - Government Code Section 54954.2, Subdivision (a)

1. **Case Name:** Flying Dutchman Park, Inc. v. City and County of San Francisco
San Francisco County SC No. A092504

Action Taken:

3:00 P.M.

CONTINUED HEARING to consider adoption of:

- a. **RESOLUTION** - Implementing the Storm Drainage and Flood Control Master Plan Cost Schedule and fees for each local drainage area for all development within the joint area of the City of Fresno, and the Fresno Metropolitan Flood Control District

Action Taken:

- b. * **RESOLUTION** - 379th amendment to MFS Resolution No. 80-420 to incorporate to the schedule the fees as adopted by the Fresno Metropolitan Flood Control District

Action Taken:

3:15 P.M.

Presentation by Jerry Wolff for Gardnyr Michael Capital Leasing regarding downtown parking structure - Acting President Ronquillo and Councilmember Boyajian

Action Taken:

- a. Request City Manager to direct staff to meet with Gardnyr Michael Capital Leasing to review proposal and return to Council with staff recommendation and report

Action Taken:

3:30 P.M.

RESOLUTION - Supporting In-Home Supportive Workers and AB 1682 - Council President Perea

Action Taken:

1A.

GENERAL CONSENT CALENDAR

(ALL CONSENT CALENDAR ITEMS ARE CONSIDERED TO BE ROUTINE AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS REQUESTED, IN WHICH EVENT THE ITEM WILL BE REMOVED FROM THE CONSENT CALENDAR AND CONSIDERED IMMEDIATELY FOLLOWING THE CONSENT CALENDAR ADOPTION)

1. Approve Amendment to Agreement with Table Mountain Rancheria for the sale, removal, and maintenance of Fort Miller Blockhouse, extending the time to complete the restoration - PR&CS

Action Taken:

****ITEMS SUBJECT TO MAYOR'S VETO OR RECONSIDERATION***

1A.

GENERAL CONSENT CALENDAR CONTINUED

2. * **RESOLUTION** - 377th amendment to MFS Resolution No. 80-420 to amend the fee charged for certain police reports - Police Department
Action Taken:
3. Reject all bids for a requirements contract for ornamental streetlight poles and capitols - Purchasing Division
Action Taken:
4. * **RESOLUTION** - 104th amendment to AAR No. 2000-183 appropriating \$170,000 for modification of two (2) traffic signals within the Urban Growth Management Area (***Requires 5 affirmative votes***) - Traffic Engineering
Action Taken:
5. **RESOLUTION** - Approving the summary vacation of Bush Avenue south of Pine Avenue - Public Works Dept./Engineering Services
Action Taken:
6. **ITEM REMOVED FROM AGENDA**
7. Approve substitution of Heritage Bomanite as subcontractor on the multi-cultural corridor project - Public Works Dept./Engineering Services
Action Taken:
8. * **RESOLUTION** - 16th amendment to PAR No. 2000-184 converting one (1) Senior Analyst to two journey level positions in the Department of Administrative Services - Dept. of Admin. Services
Action Taken:
9. Adopt the Memorandum of Understanding (MOU) between the City of Fresno and the International Association of Firefighters (IAFF), Non-Management Fire Unit 5 - Human Resources
Action Taken:
 - a. Adopt the Memorandum of Understanding (MOU) between the City of Fresno and the International Association of Firefighters (IAFF), Fire Management Unit 10
Action Taken:
 - b. * **RESOLUTION** - 11th amendment to Salary Resolution No. 2000-186 amending Exhibit 2, Section 2.2 and Exhibit 5
Action Taken:
 - c. * **RESOLUTION** - 12th amendment to Salary Resolution No. 2000-186 amending Section 2(L)2 and Exhibit 2
Action Taken:

****ITEMS SUBJECT TO MAYOR'S VETO OR RECONSIDERATION***

1A. **GENERAL CONSENT CALENDAR CONTINUED**

10. Approve License Agreement with Executive Catering for food concession at the Chaffee Zoological Gardens -PR&CS/Zoo
Action Taken:

1B. **CONSENT CALENDAR - BILL FOR INTRODUCTION - PINK TABS**

1. * **BILL** - Consider Text Amendment No. TA-00-06 to the text of the Fresno Municipal Code and related environmental findings. proposing to change the language of Sections 12-321-A and 12-321-B related to mid-rise and high-rise buildings to match the language of a concurrent amendment to the 1984 Fresno General Plan - Development Department
Action Taken:

1C. **CONSENT CALENDAR - BILL FOR ADOPTION - BLUE TABS**

2. **PLANNING AND ZONING ADMINISTRATION**

3. **GENERAL ADMINISTRATION**

- A. Proposed appointment of Billy Carter to the Fresno-Madera Area Agency on Aging Board (*For introduction*) - Mayor Autry
Action Taken:
- B. Award a contract for structural steel for the Fresno Downtown Sports Stadium - Purchasing Division
Action Taken:
- C. Approve an amendment to agreement with Montgomery Watson Americans for design services in support of the Fresno Surface Water Treatment Facility Project - Dept. of Public Utilities
Action Taken:

4. **CITY ATTORNEY**

****ITEMS SUBJECT TO MAYOR'S VETO OR RECONSIDERATION***

CITY COUNCIL

- A. Approve appointment of Michael P. Guidry to the Human Relations Commission (***For adoption***) - Councilmember Duncan
Action Taken:
- B. Direct staff, including the City Attorney's Office to prepare a Municipal Code text amendment to allow mixed use developments subject to a Conditional Use Permit - Councilmember Duncan
Action Taken:
- C. Proposed appointment of Edward F. Kowalczyk to the Commission on the Status of Women and Pat Barr to the Human Relation Commission (***For introduction***) - Councilmember Calhoun
Action Taken:
- D. Request City Manager prepare a letter to the National Basketball Association informing them that Fresno is interested in developing a league in Fresno - Councilmember Boyajian
Action Taken:
- E. Report from Development Director on status of used car dealership permitting process - Councilmember Calhoun and Council President Perea
Action Taken:
1. Direct staff to prepare and initiate ordinance amending the City's Zoning Ordinance to require conditional use permits for auto dealerships
Action Taken:
 2. Direct City Attorney's Office to prepare Interim Controls as Urgency Measure (Interim Moratorium Ordinance) prohibiting the approval of additional auto dealerships pending adoption of an ordinance amending the City's Zoning Ordinance requiring conditional use permits for auto dealerships
Action Taken:
- F. * **RESOLUTION** - 105th amendment to AAR No. 2000-183 appropriating \$4,000 of District 5's general fund infrastructure budget to fund the Cesar E. Chavez Day Celebrations (***Requires 5 affirmative votes***) - Councilmember Quintero
Action Taken:

****ITEMS SUBJECT TO MAYOR'S VETO OR RECONSIDERATION***

5. **CITY COUNCIL ITEMS CONTINUED**

- G. Direct City Manager to have co-managers for bonds that are sold for the Downtown Multipurpose Stadium - Councilmember Boyajian

Action Taken:

1. Establish an advisory committee from the City Council to assist in selecting the companies for the bonds

Action Taken:

- H. Direct staff to convert all solid waste customers to three cart alley service by March 22, 2001 for area bounded by Venture, Tulare, First and Cedar Avenues - Councilmember Quintero

Action Taken:

1. Direct staff to notify all involved customers prior to conversion, with District 5 Office to be kept informed of the progress

Action Taken:

6. **CITY/COUNTY INTERGOVERNMENTAL RELATIONS**

7. **UNSCHEDULED ORAL COMMUNICATIONS** - You may address the City Council at the conclusion of the Council meeting regarding items that are not listed on the agenda. The policy is to limit your presentation to three (3) minutes pursuant to Ordinance No. 96-67. Please be present at the conclusion of the meeting if you wish to be heard. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least 10 days prior to the desired date of appearance.

****ITEMS SUBJECT TO MAYOR'S VETO OR RECONSIDERATION***

SCHEDULED COUNCIL HEARINGS AND MATTERS

- Mar. 6 10:00 A.M. TEFRA HEARING** for the Californian Project
- Mar. 6 - 10:15 A.M. HEARING** re: Rezone Appl. No. R-00-050, filed by Sequoia/Fresno Joint Venture
- Mar. 6 - 10:30 A.M. HEARING** to consider resolution for eminent domain at Shaw and Blackstone
- Mar. 6 - 10:45 A.M. HEARING** re: Plan Amendment No. A-00-10, Text Amendment No. TA-00-06 and CUP No. C-00-173, for a six-story expansion to the St. Agnes Medical Center
- Mar. 6 - 11:00 A.M. HEARING** re: P.A. No. A-00-18, Rezone Appl. No. R-00-35, filed by Mosed Omar
- Mar. 6 - 11:15 A.M. HEARING** re: Rezone Appl. R-00-051, filed by Gary Giannetta, property located at 255 W. El Paso Avenue
- Mar. 6 - 3:00 P.M.** Override Mayor's veto of alternative fuel path - Council President
- Mar. 13- 10:30 A.M. HEARING** re: Council approval on a 4-story mid-rise building for Fresno Heart Hospital
- Mar. 20 - 10:00 A.M.** Adopt Weed Abatement Plan
- Mar. 20 - 10:15 A.M. HEARING** re: P.A. Appl. No. A-00-20, Rezone Appl. No. R-00-40 and CUP Appl. No. C-00-222, filed by Joel Hensley on behalf of Liberty Christian Fellowship
- Mar. 27 - 8:30 A.M. CONTINUED COUNCIL/RDA JOINT HEARING** regarding proposed OPA and DDA betw. RDA and Lonzell and LaVera Williams, property located at northeasterly corner of Fresno and "A" Streets
- Mar. 27 - 4:45 P.M.** Consider adoption of daytime curfew ordinance (Bill No. B-14)

****ITEMS SUBJECT TO MAYOR'S VETO OR RECONSIDERATION***